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# REGULATIONS

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For information concerning the different types of regulations, see the Information Page.

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## Symbol Key

Roman type indicates existing text of regulations. Underscored language indicates proposed new text.  
Language that has been stricken indicates proposed text for deletion. Brackets are used in final regulations to indicate changes from the proposed regulation.

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## TITLE 9. ENVIRONMENT

### STATE AIR POLLUTION CONTROL BOARD

#### Final Regulation

**REGISTRAR'S NOTICE:** The following regulatory action is exempt from the Administrative Process Act in accordance with § 2.2-4006 A 4 c of the Code of Virginia, which excludes regulations that are necessary to meet the requirements of federal law or regulations provided such regulations do not differ materially from those required by federal law or regulation. The State Air Pollution Control Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

**Title of Regulation:** **9 VAC 5-30. Ambient Air Quality Standards (amending 9 VAC 5-30-60 and 9 VAC 5-30-65; adding 9 VAC 5-30-15 and 9 VAC 5-30-66).**

**Statutory Authority:** § 10.1-1308 of the Code of Virginia; §§ 108, 109 and 302 of the Clean Air Act; 40 CFR Parts 50, 53 and 58.

**Effective Date:** August 1, 2007.

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#### Summary:

*Chapter 30 of the Regulations for the Control and Abatement of Air Pollution contains the specific criteria pollutant standards set out in 40 CFR Part 50. The standard for particulate matter with an aerodynamic diameter less than or equal to 2.5 micrometers ( $PM_{2.5}$ ) was revised to add a new 24-hour standard of  $35 \mu\text{g}/\text{m}^3$ . The current 24-hour standard of  $65 \mu\text{g}/\text{m}^3$  is being retained during the transition to the new standard. Transitional language was added to clarify implementation of these standards. The annual  $PM_{2.5}$  standard of  $15 \mu\text{g}/\text{m}^3$  remains unchanged. Obsolete language referencing the annual  $PM_{10}$  standard was removed. Finally, certain reference conditions were added.*

#### **9 VAC 5-30-15. Reference conditions.**

All measurements of air quality that are expressed as mass per unit volume (e.g., micrograms per cubic meter) other than for the particulate matter ( $PM_{2.5}$ ) standards contained in

9 VAC 5-30-65 and 9 VAC 5-30-66 shall be corrected to a reference temperature of 25°C and a reference pressure of 760 millimeters of mercury (1,013.2 millibars). Measurements of  $PM_{2.5}$  for purposes of comparison to the standards contained in 9 VAC 5-30-65 and 9 VAC 5-30-66 shall be reported based on actual ambient air volume measured at the actual ambient temperature and pressure at the monitoring site during the measurement period.

#### **9 VAC 5-30-60. Particulate matter ( $PM_{10}$ ).**

A. 1. The primary and secondary 24-hour ambient air quality standard is 150 micrograms per cubic meter-24-hour average concentration.

2. The standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 micrograms per cubic meter, as determined in accordance with Appendix K of 40 CFR Part 50, is equal to or less than one.

~~B. 1. The primary and secondary annual ambient air quality standard is 50 micrograms per cubic meter-annual arithmetic mean (Reserved).~~

~~2. The standard is attained when the expected annual arithmetic mean concentration, as determined in accordance with Appendix K of 40 CFR Part 50, is less than or equal to 50 micrograms per cubic meter.~~

C. For the purpose of determining attainment of the primary and secondary standards, particulate matter shall be measured in the ambient air as  $PM_{10}$  (particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers) by ~~the a~~ reference method ~~described in~~ based on Appendix J of 40 CFR Part 50, or other method designated as such, or by an equivalent method.

#### **9 VAC 5-30-65. Particulate matter ( $PM_{2.5}$ ).**

A. The primary and secondary ambient air quality standards for particulate matter ( ~~$PM_{2.5}$~~ ) are:

1. 15.0 micrograms per cubic meter -- annual arithmetic mean concentration.

2. 65 micrograms per cubic meter -- 24-hour average concentration.

B. Particulate matter shall be measured in the ambient air as  $P_{2.5}$  (particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers) by ~~the a~~ reference method ~~described in~~ based on Appendix L of 40 CFR Part 50, or other method designated as such, or by an equivalent method.

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C. The annual primary and secondary PM<sub>2.5</sub> standards are met when the annual arithmetic mean concentration, as determined in accordance with Appendix N of 40 CFR Part 50, is less than or equal to 15.0 micrograms per cubic meter.

D. The 24-hour primary and secondary PM<sub>2.5</sub> standards are met when the 98th percentile 24-hour concentration, as determined in accordance with Appendix N of 40 CFR Part 50, is less than or equal to 65 micrograms per cubic meter.

~~E. The primary and secondary ambient air quality standards for particulate matter (PM<sub>10</sub>) are:~~

- ~~1. 50 micrograms per cubic meter annual arithmetic mean concentration~~
- ~~2. 150 micrograms per cubic meter 24-hour average concentration.~~

~~F. Particulate matter shall be measured in the ambient air as PM<sub>10</sub> (particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers) by the reference method described in Appendix M of 40 CFR Part 50, or other method designated as such, or by equivalent method.~~

~~G. The annual primary and secondary PM<sub>10</sub> standards are met when the annual arithmetic mean concentration, as determined in accordance with Appendix N of 40 CFR Part 50, is less than or equal to 50 micrograms per cubic meter.~~

~~H. The 24-hour primary and secondary PM<sub>10</sub> standards are met when the 99th percentile 24-hour concentration, as determined in accordance with Appendix N of 40 CFR Part 50, is less than or equal to 150 micrograms per cubic meter.~~

E. The PM<sub>2.5</sub> standards set forth in this section were established by EPA on July 18, 1997 (62 FR 38856) and became effective on September 8, 2004, by adoption by the board. The PM<sub>2.5</sub> standards set forth in this section shall continue to apply only for purposes of the following:

1. Control strategy implementation plan revisions, maintenance plans, and associated emissions budgets relative to the PM<sub>2.5</sub> standards in this section.
2. Designation of nonattainment areas and maintenance areas relative to the PM<sub>2.5</sub> standards in this section.

Nothing in this section shall prevent the redesignation of any nonattainment area to attainment at any time.

## **9 VAC 5-30-66. Particulate matter (PM<sub>2.5</sub>).**

A. The primary and secondary ambient air quality standards for particulate matter are:

1. 15.0 micrograms per cubic meter annual arithmetic mean concentration.
2. 35 micrograms per cubic meter, 24-hour average concentration measured in the ambient air as PM<sub>2.5</sub>

(particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers).

B. Particulate matter shall be measured in the ambient air as PM<sub>2.5</sub> (particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers) by a reference method based on Appendix L of 40 CFR Part 50, or other method designated as such, or an equivalent method.

C. The annual primary and secondary PM<sub>2.5</sub> standards are met when the annual arithmetic mean concentration, as determined in accordance with Appendix N of 40 CFR Part 50, is less than or equal to 15.0 micrograms per cubic meter.

D. The 24-hour primary and secondary PM<sub>2.5</sub> standards are met when the 98th percentile 24-hour concentration, as determined in accordance with Appendix N of 40 CFR Part 50, is less than or equal to 35 micrograms per cubic meter.

E. The PM<sub>2.5</sub> standards set forth in this section were established by EPA on October 17, 2006 (71 FR 61224), and shall become effective in the Commonwealth on August 1, 2007. The PM<sub>2.5</sub> standards set forth in this section shall apply for purposes of the following:

1. Control strategy implementation plan revisions, maintenance plans, and associated emissions budgets relative to the PM<sub>2.5</sub> standards in this section.
2. Designation of nonattainment areas and maintenance areas relative to the PM<sub>2.5</sub> standards in this section.
3. Implementation of the new source review programs set forth in Part II § VAC 5-80-50 et seq.) of 9 VAC 5-80 (Permits for Stationary Sources).

Nothing in this section shall prevent the redesignation of any nonattainment area to attainment at any time.

VA.R. Doc. No. R07-265; Filed June 1, 2007; 9:10 a.m.